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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,644	12/13/2005	Hans Negle	DE030218US1	7143
24737 7590 12/30/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
THOMAS, JAISON P				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
12/30/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/560,644

**Applicant(s)**

NEGLE, HANS

**Examiner**

Jaïson P. Thomas

**Art Unit**

1796

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 6.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-5, 7, 8 and 13-15.  
Claim(s) withdrawn from consideration: 9-12.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

J. P. T./  
Examiner, Art Unit 1796

/Mark Kopec/  
Primary Examiner, Art Unit 1796

Continuation of 11, does NOT place the application in condition for allowance because: With respect to rejections over Negle, the Applicants agree that the presence of the microspheres in the composition alter the electrical properties, however, they contend that such altering would effectively increase the electrical resistance of the foam composite and thus conflict with the stated limitations of having an insulating material with increased electrical conductivity and lowered surface charge formation. The Examiner respectfully disagrees and notes that Applicants own Specification merely requires the additional filler to "hollow spheres" (pg. 4, line 23) which Examiner contends is met by the teachings of Negle. Further, Applicants's Specification seems to indicate that increasing the fraction of gas present in the foam composite would effectively lower the dielectric constant of the resulting material (pg. 5, lines 20-23) which suggests that as the Negle spheres grow in diameter via heating, the more electrically conductive the prior art composition would become. Finally, Negle teaches in US Patent 6498303 (now '303) that "optimum values of electric strength and desired dielectric constant" (Col. 4, lines 30-35) can be achieved dependent upon the resulting diameter of microspheres in taught in '303 thus suggesting the microspheres in Negle can be optimized dependent upon the final application of the composite material. Additionally, the reference states that "no negative effects such as the formation of space charges" (Col. 4, lines 40-41) would occur using the material taught in '303 which Examiner interprets as a teaching that the material is effective in dissipating surface charges. With respect to the rejections of Claims 7 and 8 under 35 USC 103(a) as obvious over Negle in view of Allen et al., Applicants contend there is no motivation to combine or modify Negle in view of Allen et al. The Examiner respectfully disagrees and notes the utility of coating particles with adhesion promoters to improve the structural integrity of the resulting composite materials as indicated in the Final Rejection.

With respect to the rejections over Moore et al., the Applicants contend that the reference fails to teach static charge dissipation. The Examiner respectfully disagrees and contends that the prior art teaches similar materials (i.e a foam with a "second material" wherein the second material is defined as merely being hollow spheres in the Specification, pg. 4, line 23) being used in a similar fashion and would be inherently capable of providing the same properties as required by the instant claims. With respect to the rejections of Moore et al. in view of Franz et al., the Applicants contend there is no motivation to modify Moore in view of Franz. The Examiner respectfully disagrees and notes the motivation provided the previous Office Action i.e. namely that it would have been obvious to one of ordinary skill to substitute the microspheres of Moore with the microspheres of Franz et al. since such components are interchangeable fillers that can be applied in plastic matrices and further the Applicants have provided no evidence as to why the selection of the particular materials in Claim 5 would patentably distinguish the claimed composition over what the combination of art could provide. With respect to the rejections of Moore et al. in view of Allen et al., the Applicant contend that there is no motivation to combine or modify Moore in view of Allen. The Examiner respectfully disagrees and notes the utility of coating particles with adhesion promoters to improve the structural integrity of the resulting composite materials as indicated in the Final Rejection.